

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION**

IN RE:	§	
MARK REED WASHBURN	§	CASE NO. 12-10158-rlj13
KRISTA LU WASHBURN	§	
DEBTORS	§	CHAPTER 13
	§	

**MOTION FOR RELIEF FROM STAY AGAINST PROPERTY AS TO  
917 COUNTY ROAD 257, ABILENE, TX 79606**

***RULE 4001 NOTICE:***

***ANSWER REQUIRED. THE TRUSTEE (IF ONE HAS BEEN APPOINTED) OR THE DEBTORS SHALL FILE AN ANSWER TO ANY MOTION FOR RELIEF FROM THE AUTOMATIC STAY WITHIN FOURTEEN (14) DAYS FROM THE SERVICE OF THE MOTION. UNDER BANKRUPTCY RULE 9006(e) SERVICE BY MAIL IS COMPLETE UPON MAILING; UNDER BANKRUPTCY RULE 9006(f), THREE (3) DAYS ARE ADDED TO THE PERIOD FOR ANSWER OR OTHER RESPONSE WHEN SERVICE IS BY MAIL. THE DEBTORS' ANSWER SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAYS ARE TO BE CONTINUED. IF CREDITOR'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY SHALL BE DEEMED ADMITTED, UNLESS GOOD CAUSE IS SHOWN WHY THESE ALLEGATIONS SHOULD NOT BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.***

COMES NOW, Ocwen Loan Servicing LLC ("Ocwen") as servicing agent for DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE REGISTERED HOLDERS OF MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-NC3 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-NC3 ("Noteholder"), its successors in interest and assigns, and would respectfully show the Court as follows:

1. This Court has jurisdiction over this contested matter pursuant to 28 U.S.C. §§1334 and 157(b) and 11 U.S.C. §§105 and 362. MARK REED WASHBURN and KRISTA LU WASHBURN ("Debtors") filed a Voluntary Petition for Relief under 11 U.S.C. Chapter 13 on May 31, 2012 ("Bankruptcy Case"). Ocwen desires to waive the requirement of a hearing within 30 days under 11 U.S.C. §362(e).

2. At the time the Bankruptcy Case was filed, Debtor was indebted to Noteholder pursuant to a TEXAS HOME EQUITY FIXED/ ADJUSTABLE RATE NOTE ("Note"), executed on December 22, 2006, in the original amount of \$148,000.00, with interest thereon. A true and correct copy of the Note is attached hereto as Exhibit A and incorporated herein by reference for all purposes.

3. The obligation to pay the Note is secured by a TEXAS HOME EQUITY SECURITY INSTRUMENT ("Security Instrument"), dated December 22, 2006. The Security Instrument was duly recorded in the real property records of Taylor County. A true and correct copy of the Security Instrument is attached hereto as Exhibit B and incorporated herein by reference for all purposes. The Security Instrument grants a lien on certain real property ("Property") described as:

BEING 2.00 ACRE TRACT OF LAND OUT OF A 16.668 ACRE TRACT THE REMAINDER OF A 23.72 ACRE TRACT RECORDED IN VOLUME 1897, PAGE 99, DEED RECORDS OF TAYLOR COUNTY, TEXAS, OUT OF THE R. ORTIZ SURVEY OF TAYLOR COUNTY, TEXAS, SAID 2.00 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A SET 3/8" REBAR AT THE NORTHEAST CORNER OF A 0.314 ACRE EASEMENT AS SET FORTH BY A PLAT OF A SUBDIVISION OF SAID 23.72 ACRE TRACT RECORDED AS EXHIBIT A IN THE DIVORCE DECREE OF EZEQUIEL G. RAMOS AND KRISTA LU RAMOS ON FILE IN THE OFFICE OF THE COUNTY CLERK OF TAYLOR COUNTY, TEXAS, AND THE SOUTHEAST CORNER OF TRACT 6 OF SAID SUBDIVISION

WHENCE A RECOVERED 1/2" REBAR AT THE SOUTHWEST CORNER OF SAID 23.72 ACRE TRACT BEARS S 14°58'33"E 39.84 FEET AND S 75°01'27" W 342.85 FEET; THENCE N 14°58'33"W 181.90 FEET ALONG THE EAST LINE OF SAID TRACT 6 TO A SET 3/8" REBAR AT THE NORTHEAST CORNER OF SAID TRACT 6 FOR THE NORTHWEST CORNER OF THIS TRACT; THENCE N 75°01'27" E, 478.94 FEET PARALLEL TO THE SOUTH LINE OF SAID 23.72 ACRE TRACT TO A SET 3/8" REBAR FOR THE NORTHEAST CORNER OF THIS TRACT; THENCE S 14°58'33" E, 181.90 FEET PARALLEL TO THE EAST LINE OF SAID TRACT 6 TO A SET 3/8" REBAR FOR THE SOUTHEAST CORNER OF THIS TRACT WHENCE A RECOVERED 3/8" REBAR AT THE SOUTHEAST CORNER OF SAID 23.72 ACRE TRACT BEARS S 14°58'33" E 39.48 FEET AND N. 75°01'27" E, 359.58 FEET; THENCE S 75°01'27" W 478.94 FEET ALONG THE NORTH LINE OF AN EXTENSION OF SAID 0.315 ACRE EASEMENT SAID EXTENSION BEING MORE PARTICULARLY DESCRIBED BELOW, TO THE POINT OF BEGINNING AND CONTAINING 2.00 ACRES OF LAND, MORE OR LESS.

EXTENSION DESCRIPTION:  
 BEGINNING AT A POINT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED 0.315 ACRE EASEMENT WHENCE A RECOVERED 1/2" REBAR AT THE SOUTHWEST CORNER OF THE ABOVE MENTIONED 23.72 ACRE TRACT BEARS S 75°01'27"W, 342.88 FEET; THENCE N 14°58'33" W, 39.48 FEET TO A SET 3/8" REBAR THE NORTHEAST CORNER OF SAID 0.315 ACRE EASEMENT AND THE SOUTHEAST CORNER OF SAID TRACT 6 AND THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED 2.00 ACRE TRACT; THENCE N 75°01'27" E, 478.94 FEET ALONG THE SOUTH LINE OF SAID 2.00 ACRE TRACT TO A SET 3/8" REBAR; THENCE S 14°58'33"E, 39.48 FEET TO A POINT IN THE SOUTH LINE OF SAID 23.72 ACRE TRACT WHENCE A RECOVERED 3/8" REBAR AT THE SOUTHEAST OF SAID 23.72 ACRE TRACT BEARS N 75°01'27" E, 359.58 FEET; THENCE S 75°01'27" W, 478.94 FEET ALONG THE SOUTH LINE OF SAID 23.72 ACRE TRACT TO THE POINT OF BEGINNING AND CONTAINING 0.000 ACRES OF LAND, MORE OR LESS. THE PROPERTY IS ALSO KNOWN AS 917 COUNTY ROAD 257, ABILENE, TX 79606.

Noteholder is the present owner and beneficiary of the Note and Security Instrument.

4. Debtor is in breach of the obligations set forth in the Security Instrument. As of the filing of this pleading, the Note is post-petition due for the November 1, 2012 payment and all subsequent post-petition payments. Debtor failed to pay the monthly installments due under the Note for the months of November 1, 2012 through August 1, 2013. In support of the allegations contained in this Motion, attached hereto as Exhibit C and incorporated herein by reference for all purposes is a business records affidavit executed by a custodian of the business records for Ocwen.

5. The failure to pay the post-petition monthly installments when due under the Note constitutes "cause" to terminate the automatic stay pursuant to 11 U.S.C. §362(d)(1).

WHEREFORE, PREMISES CONSIDERED, Ocwen prays that this honorable Court enter an Order terminating the automatic stay of 11 U.S.C. §362 as to the Property, or, alternatively, enter an Order modifying the automatic stay of 11 U.S.C. §362 by requiring Debtor to adequately protect Ocwen's interest in the Property through the payment of timely post-petition installments and for such other and further relief to which Ocwen may show itself to be justly entitled, either at law or in equity.

Respectfully submitted,

/s/ Bret D. Allen  
Bret D. Allen TBA# 24080762  
Angel Reyes and Associates, PC  
5950 Berkshire Lane Ste. 400  
Dallas, Tx. 75225  
Telephone (469) 341-6227

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for Debtor was contacted at least forty-eight (48) hours prior to the filing of this Motion for Relief from Stay, evidenced as follows:

/s/ Bret D. Allen  
Bret D. Allen TBA# 24080762  
Angel Reyes and Associates, PC  
5950 Berkshire Lane Ste. 400  
Dallas, Tx. 75225  
Telephone (469) 341-6227

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Relief from Stay of Act Against Property was served on the parties listed below, at the addresses indicated via electronic delivery or by deposit in the United States Mail, first-class postage pre-paid on August 13, 2013.

Debtor:

MARK REED WASHBURN  
KRISTA LU WASHBURN  
P.O. BOX 6065  
ABILENE, TX 79608

Debtor's Attorney:

PAMELA JEAN CHANEY  
AMERICAN STATE BUILDING  
402 CYPRESS, STE. 310  
ABILENE, TX 79601

Chapter 13 Trustee:

WALTER 12,13 OCHESKEY  
6308 IOLA AVENUE  
LUBBOCK, TX 79424

United States Trustee:

1100 COMMERCE STREET ROOM 976  
DALLAS, TX 75242-1496

PARTIES REQUESTING NOTICE:

PETER MICHAEL REED  
MCCREARY, VESELKA, BRAGG &  
ALLEN, PC  
P.O. BOX 1269  
ROUND ROCK, TX 78680

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